

EXPRESS MAIL LABEL NO.: EV 300737765 US

PATENT APPLICATION
Docket No. 48924-01030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David Lewis, et al.

Application No.: 10/657,759

Filed: September 8, 2003

For: MEDICINAL AEROSOL SOLUTION FORMULATION
PRODUCTS WITH IMPROVED CHEMICAL
STABILITY

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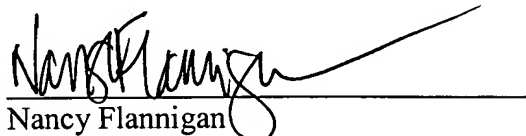
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1. Transmittal Form (1 pg.)
2. Response to the Non-Final Office Action dated September 22, 2004 (7 pgs.)
3. Return Receipt Postcard

DATED this 21st day of December, 2004.


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PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

Application Number	10/657,759
Filing Date	September 8, 2003
First Named Inventor	David Lewis
Art Unit	1616
Examiner Name	Mina Haghighatian
Attorney Docket Number	48924-01030

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Holme Roberts & Owen LLP		
Signature			
Printed name	Jeffery M. Lillywhite		
Date	December 21, 2004	Reg. No.	53,220

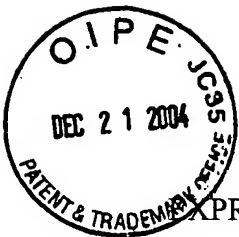
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Docket No. 48924-01030

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In re application of: David Lewis, et al.)
Application No.: 10/657,759) Art Unit
Filed: September 8, 2003) 1616
For: MEDICINAL AEROSOL SOLUTION FORMULATION)
PRODUCTS WITH IMPROVED CHEMICAL)
STABILITY)

**RESPONSE TO THE NON-FINAL OFFICE ACTION
DATED SEPTEMBER 22, 2004**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Office Action dated September 22, 2004, Applicants respectfully request reconsideration of the pending claims in light of the following remarks.

REMARKS

Claims 1-23 are pending. Reconsideration of the present application is respectfully requested.

The Office Action rejects claims 1-7, 11-14 and 17-23 under 35 U.S.C. §103(a) over U.S. Patent No. 5,955,058 to Jager et al. ("Jager") in view of U.S. Patent No. 6,296,156 to Lasserre et al. ("Lasserre"), and claims 8-10 and 15-16 under 35 U.S.C. §103(a) over Jager and Lasserre, and in further view of U.S. Patent No. 6,149,892 to Britto. The Office Action also provisionally rejects claims 1-16 under the judicially created doctrine of obviousness-type double patenting over copending Application No. 10/290,225 in view of Lasserre, and copending Application No. 10/244,519 in view of Lasserre.